

J. F.
File

1022



Harris

County

SCHOOL LAND.

Dec F. 6973887274
Sold to
John W. Maxey

7-30-01
A 5
247 1/2
401 10/100 Acres.

Acres \$20.00 Agr.
Placed on market under
sectionized school land
law. 10/16/01

Block No. Charles Rogers
Surveyed for Corp.

(Detached)
Not disclosed by the lithograph map.

Sketch in F. 1021.

ACT FEBRUARY 23, 1900.

Correct on map of Harris County, for
401/100 acres as per certified court decree
and statement herewith and in S.F. 1021, also
certified sketch marked 33A. Harris Co.
Sketch files. July 23/1901.

over S. von Rosenberg
Mgl. See Decree Court & Co. 3/11
7/22/09 W. Hawkins
2-11/3/1901
6-11/20/1901

Maplewood V. Co. 11-15-34
John W. Maxey - 1-5-35

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3 Protest } 8/1/02
4 " }

Subscribed Court 12/23/01
Certificate of Education
issued and
for to John W. Maxey
Prothonotary
11/13/05. Calling
Amended Certificate
issued and for to
John W. Maxey 12/15/05
Calling

10. Copy of Mandate. } 2-28-25
11. Copy of Court Decree. } Blanches.
12. Sub-Receipt. H. H.

JOHN WHARTON MAXCY,
CONSULTING ENGINEER,
OFFICE, SUITE 203 BINZ BUILDING,
HOUSTON, TEXAS.

Houston, Texas, July 21st, 1900.

Mr. William Bradburn,

County Surveyor, Harris County, Texas.

Houston, Texas.

Dear Sir:-

Under and by virtue of Sections 5 and 6 of an Act of the Legislature entitled An Act to define the permanent school fund of the State of Texas, etc., a copy of which is hereto appended; said act being effective on the 22nd day of May, 1900, I hereby make application to purchase and have surveyed for my account, the following tract of school land situated in Harris County, Texas, the same being isolated and detached from other public lands and having a superficial area of less than 640 acres, being more particularly described as follows:-

Being all that unenclosed tract and strip of land beginning at the north-east corner of the John Brown League; thence running east along the line of the Reels and Trobough League to the West line of the Concepcion Martinez Survey; thence along the said Martinez Survey and the Callahan Labor to the North line of the Ezeiel Thomas League; thence West along the North line of the said Thomas to the East line of the John Brown League; thence along said John Brown League; thence along said John Brown East line to the place of beginning.

The object and intent of this file being to cover any and all continuous vacant land bounded by the above mentioned surveys.

I certify that my Post Office address is at Houston, Texas, and that I desire to have the above land surveyed with the intention of purchasing the same, and that I am not acting in collusion with, or attempting to acquire said land for anyother person, and that I have no claim for prior right to purchase under this act.

I herewith hand you One Dollar (\$1.00) filing fees as provided by Statute and am ready at any time to pay any other legal fees of your office that would go to validate the purchase under this act.

Very respectfully,

John W. Maxcy

Sworn to and subscribed before me the undersigned authority, on
this the 21 day of July A.D. 1900.

W. W. Norfleet

Notary Public in & for Harris County, Texas.

I Wm Bradburn County Surveyor
of Harris County hereby Certify that
the above and foregoing application
was filed for Record on the 21st day
of July A.D. 1900 at 12.00 M. and
Recorded in Vol 5 Page 81 + 82
Records in my office in Houston
Harris County Texas
Wm Bradburn
County Surveyor Harris Co. Tex

File 51022.
Harris County.
SCHOOL LAND.
App.
J. W. Moxey
Filed Oct. 12 1900
Clerk.

I certify that my Post Office address is at Houston, Texas, and that I desire to have the above land surveyed with the intention of purchasing the same, and that I am not acting in collusion with, or attempting to acquire said land for another person, and that I have no claim for prior right to purchase under this act.
I herewith hand you One Dollar (\$1.00) filing fees as provided by Statute and am ready at any time to pay any other legal fees of your office that would go to validate the purchase under this act.
Very respectfully,
J. W. Moxey
Sworn to and subscribed before me this 21st day of July A.D. 1900.
Notary Public in & for Harris County, Texas.

Plat of Survey No. 3325

The State of Texas,

Survey

Harris

County,

No.

or

District.

Blk.

FIELD NOTES of a survey of 401¹⁰

acres of land made for

Jno. W. Maxey

by virtue of his affidavit and application made

before H. M. W. Fleet, Notary Public in and for Harris Co., Tex. on the 21st day of July 1900, and filed with the Surveyor of Harris County or Land District, on the 21st day of July 1900, under Act of First Called Session of the Twenty-Sixth Legislature, approved February 23, 1900, providing for the sale of unsurveyed land. Said land is situated in Harris County, about 5 miles East from County site, and known as survey No. in block No. BEGINNING AT

at a point 134 varas South of the N.E. Corner of the Jno Brown league, by Harris Gregg in 1838, thence South along fence at 2387 County road, at 2530⁽²⁵³⁰⁾ varas in all a oak on said B East line, thence East 895 varas to a stake on a side County road at S.W. corner of Concepcion Martinez survey. thence North, with Martinez's West line 2530 varas to his N.W. corner on S. line of Reels and Trobough league. thence West with Reels + Troboughs S. line. 895 varas to Browns East line to the place of beginning.

Bearings marked

Surveyed Sept 4-20 1900

A Hebert
W A Ellis

Chain Carriers

I, H. M. Bradburn

Surveyor of

Harris

Texas, do hereby certify that the foregoing survey was made by me on the ground, and according to law; that the limits, boundaries and corners, with the marks, natural and artificial, are truly described in the foregoing Plat and Field Notes, just as I found them on the ground; and that they are recorded in my office in Book K, Page 281

This 29 day of September 1900

County Surveyor of Harris Co. Texas.

I, Deputy Surveyor of

Texas, do hereby certify that the foregoing survey was made by me on the ground, and according to law; that the limits, boundaries and corners, with the marks, natural and artificial, are truly described in the foregoing Plat and Field Notes, just as I found them on the ground.

This day of 1900

Deputy Surveyor of Texas.

File 1022.
Harris County.
SCHOOL LAND.
7. N.

Jno W Maxcy
Filed 10/12 1900
newcome
Clerk.

Correct on map of
Harris County for
401/10 acres as per
certified connections
herewith and in S.F. 1021,
also large certified sketch
marked 33 A. Harris Co.
sketch file. (Detached)
not disclosed by the lithograph
map. July 23/1901
Sam Rouben

FIELD NOTES.

Survey No. Harris County.

Made for Jno W Maxcy

I, Wm Braaburn
Surveyor of
Harris Co, Texas

do solemnly swear that the land included within
the limits of the within field notes is properly
and correctly classified as follows, viz:

Black Sandy Soil.
(State Character.)

None Agricultural.
(Dry or Watered.)

None Grazing.
(Dry or Watered.)

None Timber.
(Dry or Watered, and Kind of Timber.)

And that said land is reasonably worth
\$ 2.25 per acre, and that the timber
on said land is reasonably worth \$
per acre.

W. Braaburn Surveyor.

Sworn to and subscribed before me this the
4 day of October 1900

W. F. Corvick

Notary Public

Approved and filed

July 30th

Charles Rog

JNO. P. HARRIS
GENERAL LAND
MAVERICK-CLARKE LITHO CO.

I, _____, Surveyor of _____
Texas, do hereby certify that I have examined the foregoing Plat and Field Notes and find them correct and that
they were made on the ground as stated in the above certificate, and that they are recorded in my office in
Book _____, Page _____
This _____ day of _____, 1900

Surveyor of _____ Texas.

7/23/1901
Sam R



Scale 400 r mms Inch

Copy of sketch appearing in
Harris Co. Sur's office Vol "E"

Page 83^{II} accompanying
Field Notes of C. Martineau survey.

The Martineau notes do not precisely
call for its W. cor. to rest on Brown E.
line. Survey however states that the
land is bounded by Brown, and
sketch shows Brown line as claimed
by patent of same. For the reason that had
Mr. Bringhamst recognized Brown league
as only 3800 m. E. and W. his N.E. Cor. of
Brown would appear 700 m. west of its
position as hereon shown. A.E.S.

5025

Dr. Brown's Lodge

Scale 1000 yds



to return to these others.
 Brown would appear to be that of
 as only 1800 lbs. and in his N.E. of
 the island of Brown - need not be Brown
 by point of Brown. In the river that has
 a lot of Brown Brown has a claim
 land is bounded by Brown. and
 his Brown Brown estate that the
 can for its the end is used as Brown
 the that land with the west boundary

Copy of sketch of Brown in
 Brown Co. of the "H. H."
 Page 80
 H. H. Brown

Houston Tex Sept. 14th 1900.

Hon. Chas. Rogan.

Comm'r Gen'l. Land Office

Austin Tex.

Dear Sir.

One Jno. Maxcy has lately ^{employed} ~~had~~ our Co. sur. to survey and return to your office plat and field notes of about 400 acres of land claimed by him (Maxcy) as State school land. As one of the property owners effected, I desire to inter protest against patent issuing to him for the described tract. for the following reasons. (which I hope your office will kindly consider.)

We claim that the tract described. is situated entirely upon the lands patented by Mex Gov. to Jno. Brown. (Harris Co. abstr. act #8.) in 1824

We call attention to the reading of the Brown patent calling to begin N. side of B. Bayou, opposite cor. J.R. Harris (an undisputed point) thence N. 5000 ns. thence E. 4500 ns. thence S. to B. Bayou, title farther reciting that the land is bounded on the S. by B. Bayou and on all other sides by lands belonging to the Gov. of Mexico.

Mr. Maxcy contends that the East boundary line of the Brown league is situated some 3800 ns. E. of the recognized N. line of Brown league. basing his contention on the measurements furnished in a certain instrument recorded in Harris Co. And

records Vol. "E" page [#]348 purporting to be a survey of the Brown league made for the purpose of dividing it into two parts east and west halves. signed but not acknowledged by ^{one} D. Gregg. who by the way was the executor of the estate left by W. Clopper to minor heirs. the estate comprising among other property the E. 1/2 of the pro. Brown league. This instrument referred to is also countersigned by the then city Engineer of Houston who states that he has examined the calculation and finds it correct. As a sample of its correctness (I am under the impression that Mr. Maxcy has furnished you copy of this instrument) I request that you compare the length of the East line of Brown league ^{as found by Gregg 1838} namely 6900 rs. with the length of same as determined by actual survey made by Co. Sur. Bradburn for Maxcy 7800 rs.

Mr. Maxcy claims this line as west line of the Thomas league. I am not interested in the W. line of Thomas, and respectfully submit that granting ^{to the Thomas league} that portion of this line claimed by them as their west boundary. The rights of the Brown league north of the Thomas are as valid now as when patented by the Mex. Gov. or in other words. granting that it can be shown that the Thomas league was placed in conflict with the Brown league and that by reason of priority of survey, occupation or limitation the Thomas league holds over

The Brown (which point will soon be tested in our district court in a suit brought by the Thomas people against E. M. House of Austin Tex. to try title to this disputed strip Mr. House having built a fence on the patented E. line of Jno. Brown namely 4500 no E. of its W. line. and 700 no E. of line claimed by Maxcy as E. line of Brown.) That portion of the Brown league situated north of the conflict is in no wise effected. That other surveys up to the present time have recognized the E. line of Brown as patented is evidenced by Mr. Lott's survey of Palms and Latham 1838. and by Mr. Bringham in 1850 in making survey of C. Martinez. The field notes of which in Mr. Bringham's hand writing are recorded in Co. Sur. office. I enclose copy of sketch appearing on same page.

The proximity of this tract to the city of Houston enhances its value, is variously estimated at from \$25.00 to \$40.00 per acre.

I respectfully urge that your office in making the necessary inquiry into this dispute, will give consideration to the points here submitted.

Very Respectfully
J. C. Thurston

Box #69

2 3/4

File 1022
Harris County.
SCHOOL LAND.
Protest

Knowlmaxcy
Filed 10/15 1900
Newcome
Clerk.

A. E. Strison

Protesting against
patent issuing
on the Geo. W.
Maxcy 400% an
tree of
acknowled 10/17/00

Filed 10/15/1900

State of Texas.)
Harris County,)

Corrected field - notes of a survey of 577.40 acres of land made for John W. Maxcy by virtue of his application made before N. M. Norfleet a Notary Public in and for Harris County, Texas, on the 21st day of July, 1900, and filed with the surveyor of Harris County on the 21st day of July 1900, under an act of the first called session of the 26th legislature, approved Feb. 23, 1900, providing for the sale of unsurveyed land. Said land is situated in Harris county about five miles East from the county site.

BEGINNING at a stake on the east line of the Jno Brown league at a point 134 varas south of the N E corner of said Brown.

Thence South along said Brown's east line, 2387 vrs to county road, in all 3642 varas to a stake on Brown's east line at the NW corner of the E. Thomas league.

Thence East along the north line of said Thomas league 895 varas a stake at the S W corner of the Jno Callaghan labor.

Thence North along the west line of said labor at 1112 varas pass N W corner of same and the SW corner of the Concepcion Martinez, in all 3642 varas to a stake same being the NW corner of said Martinez on the south line of the Reels and Trobough league.

Thence West along the south line of said Reels and Trobough 895 varas to the place of beginning.

Surveyed Sept 4-20. 1900.

A. Hebert)
W. A. Ellis.) Chain carriers.

I, WILLIAM BRADBURN, County Surveyor, of Harris County, Texas.

do hereby certify that the foregoing survey was made by me on the ground, and according to law; that the limits, boundaries, and corners, with the marks, natural and artificial, are truly described in the foregoing Plat and field notes, just as I found them on the ground; and that they are recorded in my office in book K page 285, this 20 day of October 1900.

W. Bradburn
.....
Co. surveyor, Harris Co, Texas

File 5th 1022
Harris County.
SCHOOL LAND.
Cor. F. N.

Jno W Maxcy

Filed 10/23/ 1900

Newcome

Clerk.

*Cancelled and
original
7/23/1900
Jno W Maxcy*

C.C.
Cram 12/20/1900

Corrected field notes
FIELD NOTES.

Survey No. of 577.4⁰ ares
HARRIS County.

Made for Jno. W. Maxcy

I, William Bradburn

Surveyor of

Harris

do solemnly swear that the land included within
the limits of the within field notes is properly
and correctly classified as follows, viz:

Black Sandy. Soil.
(State Character.)

(Dry or Watered.) Agricultural.

Dry. Grazing
(Dry or Watered.)

None. Timber.
(Dry or Watered, and Kind of Timber.)

And that said land is reasonably worth
\$ 2.00 per acre, and that the timber
on said land is reasonably worth \$ 0.00.00
per acre.

W. Bradburn Surveyor.

Sworn to and subscribed before me this the
27th day of October 1900

W. F. Carothers

Notary Public
Harris County Tex

Approved and filed _____
190

Commissioner.

*Corrected field notes
Filed 10/23/1900
Jno W Maxcy*

SKETCH IN HARRIS CO. TEX.
SHOWING CONFLICT BETWEEN JNO. BROWN
LEAGUE ABST 8 AND 410 AC. AWARDED TO
J. MAGEE AS SCHOOL LAND.



3705 vs E of its W line on fact that during the year 1838 a certain
surveyor D. Gregg by name not a county or state surveyor but a private
one so placed the line recording in the county Clerk's office certain
field notes purporting to give the meanders of the Bayou and reduc-
ing through no authority save his own the area to the exact complement

3069

Houston, Texas July 21st, 1902.

Hon. Charles Rogan,

Commissioner General Land Office,

Austin, Texas.

Dear sir:-

Upon October 17th 1900 in answer to protest from myself to your office relative to awarding to John W. Maxey certain lands claimed by myself and others to be a portion of the John Brown league Abstract #8 in Harris County, Texas. I received reply stating that we would be notified when the matter was reached. It appears that the first intimation that reached us was the awarding of the land in question to a John McGee who immediately transfers his rights to John W. Maxey. As will be seen by accompanying sketch the land awarded does not conflict with my tract but if the ruling made by your office is sustained there would be nothing to interfere with the Palms labor stretching westward and absorbing the Clopper 100 acres and about 20 of mine. We desire to submit to you some of our reasons for contending that the land involved in this dispute is situated almost wholly within the boundary lines of the John Brown league. It will be seen by a reference to your Austin Colony map that the John Brown League is the oldest grant on the north side of the bayou its title calls to begin on the north side of Buffalo Bayou opposite the North west corner of the John R. Harris Thence to run north 5000 vs Thence E 4500 vs Thence S to the Bayou. Title further reciting that the land is Bounded on the South by Buffalo Bayou and on all other sides by vacant lands belonging to the Government of Mexico. The Maxey claim is situated almost entirely within these described boundaries. Mr. Maxey bases his claim that the East line of the John Brown League is only 3705 vs E of its W line on ^{THE} fact that during the year 1838 a certain surveyor D. Gregg by name not a county or state surveyor but a private one so placed the line recording in the county Clerk's office certain field notes purporting to give the meanders of the Bayou and reducing through no authority save his own the area to the exact complement

called for in the title. In answer to this we submit the following that Mr. Gregg had no right to change in 1838 boundaries to a grant issued in 1824 also that the measurements furnished by him are erroraneous, he states that he began at proper beginning point Thence N 5000 vs Thence E 3820 vs Thence S 6900 vs to payou had he ~~run~~^{RUN} his lines as claimed he would have closed on to the payou at about 7900vs. We can further show that no other surveyor working in this territory at that time recognized the East boundary line of the John Brown league as placed by Mr. Gregg evidencing the work of Henry Trott district Surveyor upon whose notes the Palms and Latham Surveys were patented. the length of which lines East and West are found practicably correct between the East line of Latham as tied on to Hunting Bayou and the east line of the John Brown League as called for in title.

We can also show that Mr. Br inghurst upon whose survey patented to C. Martinus issued recognized the John Brown League as having ^{its} full width of 4500 varas East and West, this is shown by map attached to Field notes containing his original signature on file in Harris County Surveyor 's Office. We also request you to consider that we the disputants to this claim hold title to these lands which are within the Boundaries of Abstract #8 through Grantee, John Brown, and that the placing of the lands on the market and awarding of the same unknown to us will subject us to needless and costly litigation which in our judgment might have been avoided by the Land Office giving hearing to both sides. We would also suggest that should the Courts decide in the favor of the Maxey claim that we the original claimants to the land will pay more for the land than the price noted in the award, this price namely \$10 being our County Assessor's assessed value of the same.

Yours very respectfully,

H. E. Stinson
P.O. Box #69

File 1022
Harris County.

School Land.
Jno W Macey
Protest

Filed 8/1 1902

Charles Rogan,
Comm'r.

By Jas. H. Schuler
Clerk.

W. C. Dickinson
80/10/12

... have been involved in the Land Office giving notice to
... subject as to road eas and conflicting claim which in our
... of the lands of the nation and availability of the same unknown
... of Adjutant as through granted, John Brown, and that the
dispute to this claim hold title to these lands which are within
Surveyor's Office. We also request you to consider that we the
field notes containing the original signature of John Brown County
which of 400 acres Grant and we at this is shown by the extension to
O. Martins land recorded the John Brown Land as having
... and the East line of the John Brown Land is called for in title.
... between the East line of section as filed on the Hunting Bayou
... the length of which lines East and West are found practically
Director Surveyor upon whose notes the balance and Nathan Surveyors were
... as placed by the cross indicating the work of Henry Trost
... at the line recognized the East boundary line of the John Brown
... we can further show that no other surveyor working in this territory
lines as claimed he would have closed on to the Bayou at about 180000.
... 18000 vs 18000 vs 18000 vs 18000 vs 18000 vs 18000
... in 1804 also that the same was confirmed by him and
... that Mr. Gregg had no right to change in 1828 boundaries to a Grant
called for in the title. In answer to this we submit the following

WMA

GENERAL LAND OFFICE

GENERAL LAND OFFICE

STATE OF TEXAS.

CHARLES ROGAN, Commissioner.
J. J. TERRELL, Chief Clerk.

AUSTIN

8/12/02.

---S.F. 1022--Harris Co.--J.W. Maxcy---F 69938--J.H. Magee---

Mr A E Stinson,

Houston, Texas.

Dear sir,---Replying to yours of the 21st ult protesting the award of the above claim received. The land about which you write is covered by the above files. S. F. 1022 was a file under the act of 1900 made by Mr Jno W Macy. The claim was given a thorough examination and your protest in the same was also considered, but on the field notes rendered by the Co. Surveyor and the certified sketch accompanying the same and also the reply to your protest by Mr Maxcy which was sustained by the work of the surveyor this office approved the vacancy for some 401.10 acres and Mr Maxcy was given the 60 days time under the law for the purchase of the same. He failed to come in and buy it as required and on the 10/15/01

Note--All payments for School and Asy must be made to the State Treasurer, and not be sent to this office.

GENERAL LAND OFFICE

STATE OF TEXAS

CHARLES ROGAN, Commissioner.
J. J. TERRELL, Chief Clerk.

AUSTIN

9/13/02.

---S. P. 1022--Harris Co.,--J. W. Maxey--P. 1022--J. W. Maxey--

Mr. A. E. Ellison,

Houston, Texas.

Dear Sir:--Replying to yours of the 21st ult. protesting the same

of the above claim, I have to advise you that the same was

rejected by the State Board of Land Commissioners on the 10th of

1900 made by Mr. J. W. Maxey. The claim was given a thorough exam-

ination and your protest in the same was also considered, but on

the 11th of the month rendered by the Co. Surveyor and the certified

thereon accompanying the same and also the reply to your protest

by Mr. Maxey which was sustained by the act of the surveyor this

office approved the same for same 10th of the month and a copy

was given the 25 days time under the law for the purchase of the

same, as in 1902, and pay is required and on the 10th of

57-1022

GENERAL LAND OFFICE

STATE OF TEXAS.

CHARLES ROGAN, Commissioner.
J. J. TERRELL, Chief Clerk.

AUSTIN

Pg. 2 A.E. Stinson

we placed the land on the market with the Co. Clerk of Harris Co. for sale and Mr J.H. Magee applied for the same as additional and sale was made to him. The approval of the survey was based on the field notes and certified sketch rendered by the Surveyor according to the work he reported as done on the ground and this office could not go behind the same and had, therefore, to approve the work, which it did. Your only remedy lies through the Courts.

Veryrespectfully,

Mac Inerney.

Commissioner.

GENERAL LAND OFFICE

STATE OF TEXAS

AUSTIN

CHARLES ROGAN, Commissioner,
J. J. TERRILL, Chief Clerk.

RE. S. A. L. Robinson

We placed the land on the market when the Co. Bank of Harris Co. for
note and Mr. S. A. L. Robinson applied for the same as additional and
this was made to him. The approval of the survey was based on the
field notes and certified copies rendered by the surveyor according to
the same as reported as done on the ground and this office could not go
behind the same and had, therefore, to approve the work, which is all.
Your copy remedy like through the Office.

Very respectfully,

Respectfully,

Commissioner.

4
SF
10222

SF 10222

Berry W.Camp, Executor of
the will of Charles S.House,
Deceased, Plaintiff.

vs No. 33,163

J.H.Magee, and John W.Maxcy.
defendants.

At a regular term of the District Court of Harris County, Sixty
First Judicial District of Texas, held at the Court House, thereof, in the
City of Houston, this 14th day of November, A.D. 1904; Present, Norman G
Kittrell, Judge Presiding.

This day being the day and date above written, this cause
came on to be tried, when the parties, by their respective attorneys,
appeared and announced ready for trial, and thereupon came a jury of
good and lawful men composed of E.A. Heyck and eleven others, who
were duly impanelled and sworn, and who, having heard the pleadings, evi-
dence and being duly charged by the Court, returned into open Court,
their verdict, which was duly received and entered, and which is as fol-
lows, to-wit;

"We, the jury, find for the plaintiff, the land described in
his petition."

(Signed) E.A.Heyck, Foreman.

It is therefore upon the verdict aforesaid, considered by the
Court, and ordered, adjudged and decreed that the plaintiff, Berry W.
Camp in his capacity, as executor of the last will and testament of Char-
les House, deceased, recover of and from the defendants, J.H.Magee and
John W.Maxcy, the title and possession of, in and to that certain tract
or parcel of land, out of the John Brown league, situated in Harris County
State of Texas, designated as abstract No. 8, containing one hundred
and sixty one and 15/100 (161.15) acres a part of that certain tract of
one hundred and ninety one and 15/100 (191.15) acres allotted to George
H.Breaker by decree rendered by the District Court of said Harris County
to-wit; on July 31, 1896 in cause therein pending No. 19,805, entitled
Clopper et al vs. Bethell, et al, which said tract of One hundred and
Sixty one and 15/100 (161.15) acres comprises all of said allotment of
said One Hundred and ninety one and 15/100 (191.15) acres except the

North thirty (30) acres thereof, and is particularly described as follows:

"Beginning at a point on the east line of the John Brown league as described in said decree of allotment for said 191.15 acre tract, 1571.2 varas south of the northeast corner of the said league, said northeast corner as here measured from being 4500 varas east from the northwest corner of said league;

- Thence South 1090.8 varas;
- Thence West 572.5 varas;
- Thence South 189 varas;
- Thence West 222 varas;
- Thence North 1279.8 varas;
- Thence East 794.5 varas to the place of beginning."

It is further considered by the Court, and ordered, adjudged and decreed that all the right, title and interest, real or apparent, of the defendants, J.H.Magee and John W.Maxcy, and each of them, in or to the aforesaid tract or parcel of land, be and are hereby divested out of them and vested in the plaintiff, Berry W.Camp, in his capacity as executor aforesaid, his successors or assigns forever:

It is further considered by the Court that the plaintiff recover of said defendants and each of them, all costs of Court in this behalf incurred, for which let execution issue.

-:-:-

The State of Texas)	Berry W.Camp, Executor of the will of
County of Harris)	Charles S.House, decd.Plaintiff,
No. 33,163	-vs-
	J.H.Magee and John W.Maxcy, Defendants.

I, Henry Albrecht, Clerk of the District Court of Harris County, Texas, do hereby certify that the above and foregoing is a true and correct copy of Decree in above numbered and entitled cause, as the same appears of record in my office, in Vol. 2, pages 357, 358 & 359, Minutes of District Court, Harris County, for the 61st Judicial District of Texas.
Given under my hand and Seal of said Court, at office, in Houston, Texas, this the 31st day of July, A.D. 1905.

Henry Albrecht
Clerk District Court, Harris County, Texas.
By *John W. Camp* Deputy.

Ino. W. Maxey
Secrecy of list Court

John J. Terrell
Com'r.
W. J. Evans
File Clerk

File Clerk,

11

279

Harris

County,

No.

or

District,

Blk.

corrected

FIELD NOTES of a survey of

247 1/2
247.39

acres of land made for

Jno. W. Maxey

in accordance with decree of court
attached No. 33163 - recorded in
by virtue of his affidavit and application made
on the Harris County day

Vol. 2. Pages 357-358-359. Variation 9° E.

61st. Judicial District,

of 1900, and filed with the Surveyor of

County or Land

District, on the day of 1900, under Act of First Called Session of the
Twenty-sixth Legislature, approved February 22, 1900, and as amended by an Act approved April 15, 1901, pro-
viding for the sale of unsurveyed land. Said land is situated in Harris

County, about 7 miles E from County site, and known as survey No.

in block No. BEGINNING AT a stake set at the SW corner of
C. Martinez Survey. Thence West 100.5° to a stake
same being the SE corner of land decreed to Ben Camp
exctr.

Thence North with Camps E line 1090.8° to his
NE corner, which corner is 4500° to East and 1571.2°
South from the new corner of the John Brown league
Thence West with Camps North line 794.5° to
his new corner on the East line of the John Brown
as established by survey in 1838.

Thence North with said line 1439.2° to the south
line of Peels & Frohough league.

Thence East with said line 895° to the new
corner of C. Martinez.

Thence South with Martinez N line 2530°
varas to the

to the place of beginning.

Bearings marked

Originally Surveyed Sep 4 to 20th 1900
Corrected Sep. 14th 1905

A. Hebert
N. E. Ellis

Chain Carriers.

I, W. J. Bradburn County Surveyor of Harris County

Texas, do hereby certify that the foregoing survey was made by me on the ground, and according to law; that
the limits, boundaries and corners, with the marks, natural and artificial, are truly described in the foregoing
Plat and Field Notes, just as I found them on the ground; and that they are recorded in my office in Book H.

Page 622 This 15 day of September 1905

County Surveyor of Harris Co. Texas.

I, Surveyor of

Texas, do hereby certify that the foregoing survey was made by me on the ground, and according to law; that the
limits, boundaries and corners, with the marks, natural and artificial, are truly described in the foregoing Plat and
Field Notes, just as I found them on the ground. This day of 190

Surveyor of

FIELD NOTES.

Survey No.

County.

Made for

1, _____

Surveyor of

do solemnly swear that the land included within the limits of the within field notes is properly and correctly classified as follows, viz:

Soil.

State Character.

Agricultural.

.....
Dry or Watered.

Grazing.

.....
Dry or Watered.

Timber.

Dry or Watered, and Kind of Timber.

And that said land is reasonably worth \$..... per acre, and that the timber on said land is reasonably worth \$..... per acre.

Surveyor.

Sworn to and subscribed before me this the

day of 190

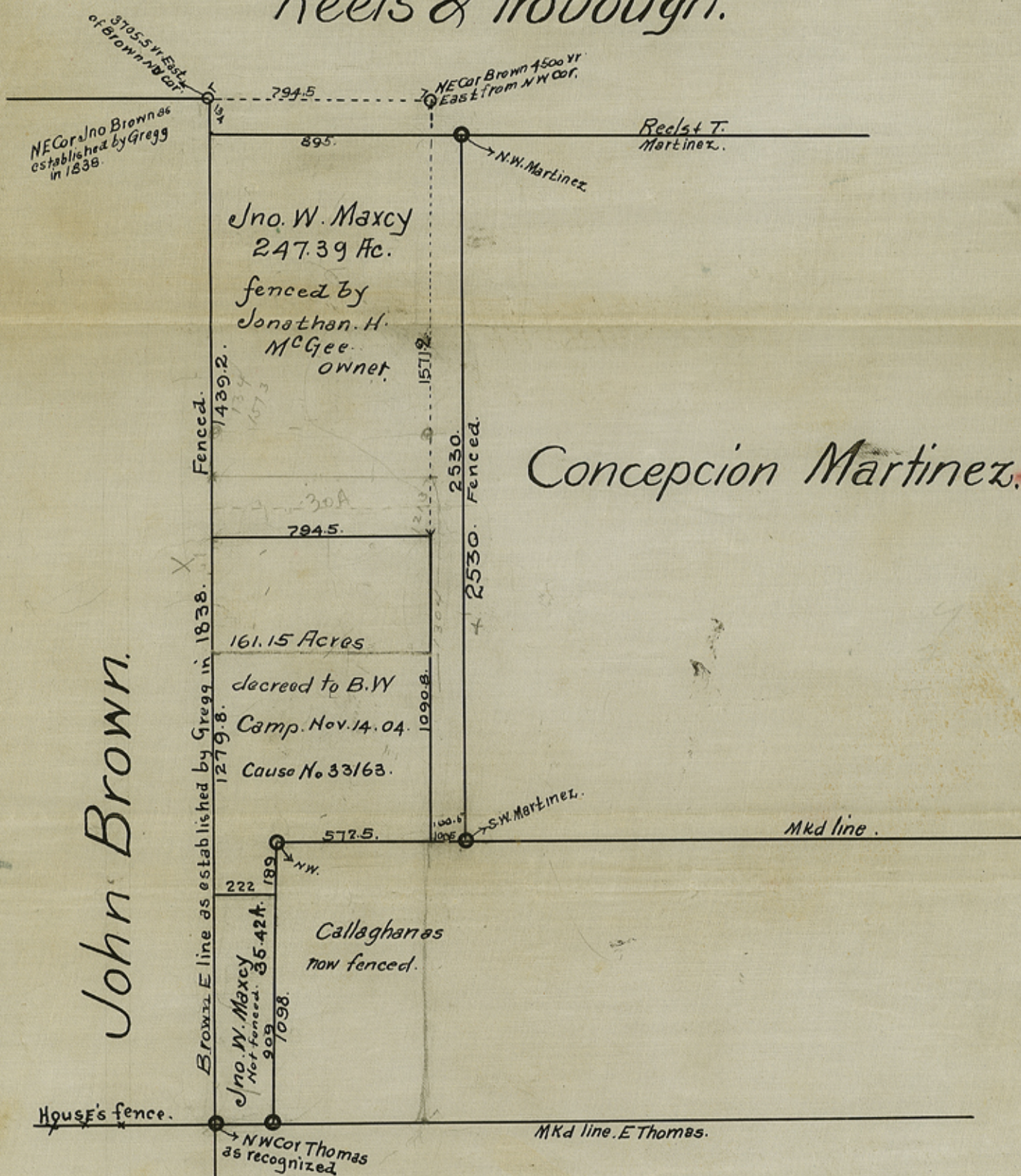
Approved and filed _____

190.....

Commissioner.

[illegible]

Reels & Trobough.



E. Thomas.

Sketch in HARRIS COUNTY.
Showing Corrected Field Notes of the
J. W. Maxcy School Land Survey. as per de-
cree of Court, attached.

Scale: 500 Yrs = 1 inch.

W. Brown
County Surveyor.
Harris Co.

VAR. 9° E.

File No. 1022

Harris County,

School Land,

John W. Maxey
Agent

Filed April 23 1900

John W. Maxey
Com'r.

File Clerk.

Harris Co.
County Recorder
J. H. Brown

Scale 2000 ft = 1 inch
of Cont. attached
J. W. Maxey School Land Survey as before
showing corrected Field Notes of the
Agent in Harris County

E. THOMAS

John Brown

Brown E line as established by deed in 1858

John W. Maxey
Not fenced
Callaghan

non fenced
Callaghan

1000 ft
555 ft
213 ft

5230 ft
5230 ft

W. H. line

W. H. line

Conso No 23163

Comb. Nov. 14. 04

decreased to B.M.

10112 ft

5042 ft

1450 ft
Fenced

12113 ft

5230 ft
Fenced

Owner
McGee
Spencer
fenced by
John W. Maxey

500 ft
500 ft

500 ft
500 ft

500 ft
500 ft

Peep & Popondy

24

Paul C. Nugent

(vs.) No. 43,509.

John W. Maxcy, et al.

At a regular term of the District Court of Harris County, Texas, 61st Judicial District of Texas, held at the Court House thereof in the City of Houston, this day of June, 1908.

PRESENT:

HON. NORMAN G. KITTRELL, JUDGE PRESIDING.

On this the 6 day of June, 1908, came onto be heard the above entitled and numbered cause, and the plaintiff, Paul C. Nugent, of Onondaga County, New York State, having appeared by his attorney, and the defendant, John W. Maxcy, having been served by citation and having failed to file an answer herein within the time prescribed by law and an interlocutory judgment by default having been entered against him, and the defendant, Ellen Magee, having been served by citation and having failed to answer in the time prescribed by law, and an interlocutory judgment by default having been entered against her, and the minor defendants, Elizabeth Magee, Harry Magee, Kate Magee, Martha Magee and Roy Magee, having been served in the manner and within the time prescribed by law, and P. H. Bryant, a practicing attorney, having been appointed by the court as Guardian ad Litem to represent said minors, having appeared, and said parties appearing by their attorneys having announced ready, a jury having been waived, and all questions of fact as well as of law having been submitted to the Court, the Court after hearing the evidence, introduced and arguments of counsel thereon, is of the opinion that plaintiff is entitled to recover.

It is therefore ordered, adjudged and decreed that the said ~~Paul C. Nugent~~ Paul C. Nugent have and recover of the ~~defendants~~ defendants, John W. Maxcy, Elizabeth Magee, Ellen Magee, Kate

Magee, Martha Magee, and Roy Magee, judgment for the title and possession of the land described in plaintiff's petition as follows:

"2"

Said land lying in Harris County, Texas, being a part of the John Brown League, on the North Side of Buffalo Bayou:

"Beginning at a point on the East line of the said John Brownleague 1358.1 varas South of the Northeast corner of same, said Northeast corner being 4500 varas east of the ^{northwest} Northeast corner of said league:

Thence South along the East line of said league 213.16 varas:

Thence West 794.5 varas:

Thence North 213.16 varas:

Thence East 794.5 varas to the place of beginning "

Containing Thirty acres of land being a part of the land set aside to Geo. H. Breaker in the decree of the District Court of Harris County, Texas, in cause No.19,805, entitled Clopper vs. Bethel, as shown on page 356, Book 5 of the Minutes of said Court, together with all the rights, privileges and appurtenances thereunto in any wise appertaining, and that all title or apparent title of said defendants and each and every one of them in and to said tract of land be divested out of them and vested in said plaintiff, Paul C. Nugent, his heirs and assigns forever, as fully and as actually as would be by good and sufficient deed.

It is also ordered, adjudged and decreed by the court that plaintiff have and recover of the adult defendants, John W. Maxcy and Ellen Magee, judgment for all costs herein incurred, save and except the costs incurred in serving said minor defendants and said sum of \$25.00 allowed said P. H. Bryant, attorney ad litem, for which let execution issue, and it is also ordered that execution issue against plaintiff for said sum of \$25.00 allowed said guardian ad litem and costs incurred in serving said minor defendants, and that execution also issue in behalf of the officers of the court against both plaintiff and defendants for all costs by them respectively incurred.

The State of Texas,
County of Harris.

Paul C. Nugent,
No. 43,509. -vs-
John W. Maxey, et al.

I, Henry Albrecht, Clerk of the District Court of Harris County, Texas, do hereby certify that the above and foregoing is a true and correct copy of Decree in the above numbered and entitled cause as the same appears of record in my office in Volume 5 Page 514 of the District Court Minutes of Harris County, Texas, for the 61st Judicial District.

Given under my hand and seal of said Court at office in Houston, Texas, this the 10th day of June A. D. 1908.

Henry Albrecht
Clerk District Court Harris County, Texas.

BY A. J. Schweitzer Deputy

STATE OF TEXAS, }
County of Harris. }

I, Geo Jones Clerk of The County Court of Harris County, Texas, do hereby certify that the within instrument with its certificate of authentication, was filed for registration in my office on June 13 1908, at 10-20 o'clock a M., and duly recorded on July 1st 1908, at 2-15 o'clock a M., in Vol. 217 Page 285-286 of Record of Deeds for said County.

Witness my hand and seal of office, at Houston, the day and date last above written.

Geo Jones
Clerk County Court, Harris County, Texas.

By J. A. Beeler Deputy.

File No.

51022

8

Harris County,

Mo. W. Mary
Deputy Clerk of Court

Filed 12-23-1908

John J. Terrell
Com'r.

Lee Hawkins

File Clerk.

Deputy

CLERK DISTRICT COURT HARRIS COUNTY, TEXAS.

Houston, Texas, this the 10th day of June A. D. 1908.

Given under my hand and seal of said Court of office in
said District.

I, of the District Court Minutes of Harris County, Texas, for the
contains the same volume of record in my office in Volume 2
of the said collect copy of Decree in the above numbered and entitled
County, Texas, do hereby certify that the above and foregoing is

I, Henry W. Terrell, Clerk of the District Court of Harris

County of Harris.

The State of Texas,

John W. Terrell, et al.
No. 42,203. - 18-
Henry C. Terrell,

THE STATE OF TEXAS

TO THE DISTRICT COURT OF HARRIS COUNTY, GREETING:

Before our Court of Civil Appeals, on the 1st day of February A.D.1923 the cause upon writ of error to revise or reverse your judgment between

John Farmer, et al.,

No.8303

vs

From Harris County.

Filed October 15, 1923 O.H.Barnes, Clerk District Court, Harris

was determined; and therein our said Court of Civil Appeals made its order in these words:

" This cause came on to be heard on the transcript of the record and the same being inspected, because it is the opinion of this Court that there was no error in the judgment, it is therefore considered,adjudged and ordered, that the judgment of the Court below be in all things affirmed, that the plaintiffs in error,John Farmer,Harriet M.Farmer, Bessie M.Farmer, Katie E.Farmer, Lucy E. McDaniel, R.B.McDaniel, David Oates, Annie E.Oates, Robert W.Oates, Charles H.Oates, Annie L.Norsworthy, Archie Norsworthy, Sid Westheimer, Admr., Edward N.Clopper, Mary C.Merriman, Bessie Bethal and Thomas Bethal, and their sureties, G.W.Tharp and Geo.H.Breaker, pay all costs in this cause incurred, and this decision be certified below for observance." and seal of said Court at office in Houston, Texas, this the 1st day of February, A.D. 1923.

THEREFORE, we command you to observe the order of our Court of Civil Appeals in this behalf; and in all things to have it duly recognized,obeyed and executed.

(SEAL)

WITNESS, the Hon.R.A.Pleasants,Chief Justice of our said Court of Civil Appeals,with the seal thereof annexed,at Galveston,this the Eleventh day of October A.D.1923.

H.L.Garrett, Clerk

By Jno.J.Pleasants

Deputy

TO THE DISTRICT COURT OF HARRIS COUNTY, GREETING:

Before our Court of Civil Appeals, on the 1st day of February A.D. 1923 the cause upon writ of error to revise or reverse your judgment between

No. 8503
O.H. Barnes,
vs
John Farmer, et al.,
From Harris County.

was determined; and therein our said Court of Civil Appeals made its order in these words:

" This cause came on to be heard on the transcript of the record and the same being inspected, because it is the opinion of this Court that there was no error in the judgment, it is therefore considered, adjudged and ordered, that the judgment of the Court below be in all things affirmed, that the plaintiff in error, John Farmer, Harriet M. Farmer, Bessie M. Farmer, Katie E. Farmer, Lucy E. McDaniels, R.B. McDaniels, David Oates, Annie E. Oates, Robert W. Oates, Charles H. Oates, Annie J. Noraworthy, Archie Noraworthy, Ed Westheimer, Adm., Edward N. Gloppe, Mary G. Mettman, Bessie Bethel and Thomas Bethel, and their surties, G.W. Tharp and Geo. H. Breaker, pay all costs in this cause incurred, and this decision be certified below for observance."

THEREFORE, we command you to observe the order of our Court of Civil Appeals in this behalf; and in all things to have it duly recognized, obeyed and executed.

WITNESS, the Hon. R.A. Pleasants, Chief Justice
of our said Court of Civil Appeals, with the
seal thereof annexed, at Galveston, this the

Eleventh day of October A.D. 1923.

H.L. Garrett, Clerk
By Jno. J. Pleasants
Deputy

Endorsements : No. _____, Mandate Court of Civil Appeals Galveston
John Farmer, et al vs O.H.Barnes. Issued October 11th 1923.

H.L.Garrett, Clerk

By Jno.J.Pleasants Deputy

To Harris County

- - -

Filed October 15, 1923. O.M.Duclos, Clerk District Court, Harris
County, Texas, by O.C.Dupree, Deputy.

- - - - -

The State of Texas

County of Harris

I, O.M.Duclos, Clerk District Court, of Harris County,
Texas, do hereby certify that the above and foregoing is a true and
correct copy of Mandate in Cause No. 51577, entitled John Farmer, et al
vs John W. Maxcy, et al as the same appears on file in my office.

Given under my hand and seal of said Court at office in Houston,
Texas, this the 3rd day of February, A.D. 1925.

O.M. Duclos

Clk. Dist. Ct. Harris Co., Texas

By

Joseph L. Chan

Dpty.

S. F. 1022

Copy of Mandate

J. Robinson
Camm.

Filed Feb. 28, 1925.

Carl F. Blucher

The State of Texas
County of Harris

I, O. M. DuBois, Clerk District Court, County of Harris,

Texas, do hereby certify that the above and foregoing is a

correct copy of Mandate in Cause No. 5157, entitled John Farmer et al

vs John W. Moxey, et al as the same appears on file in my office.

Given under my hand and seal of said Court at Harris County,

Texas, this 28th day of February, A. D. 1925.

[Signature]
O. M. DuBois

Clerk Dist. Ct. Harris Co., Texas

BY *[Signature]*
Deputy

Filed October 15, 1923. O. M. DuBois, Clerk District Court, Harris
County, Texas, by O. C. Dupree, Deputy.

To Harris County

By Jno. J. Pleasant

Deputy

H. L. Garrett, Clerk

John Farmer, et al vs O. M. Barnes. Issued October 11th 1923.

Endorsements: No. _____, Mandate Court of Civil Appeals Galveston

John Farmer et al

Vs.

No. 51577

John W. Maxcy et al

On this 16th day of June, 1921, the above entitled cause came on to be heard as to the plaintiffs and the defendant, O. H. Barnes, and the plaintiffs appeared by their attorneys and announced ready for trial and the defendant, O. H. Barnes, appeared by his attorney and announced ready for trial, and the defendant, John W. Maxcy, has heretofore filed Disclaimer herein, Interlocutory Judgment by default having been heretofore taken on the 8th day of February, 1919 against the defendants, Mrs. Lizzie Magee Taylor, William K. Taylor, Harry Magee, Roy Magee, Martha Magee and Timmie Patton (Formerly Timmie Magee), they having been duly cited prior to the February Term of this Court, 1919, and having failed to file answers herein, It further appearing that the defendant, Timmie Patton was sued herein as Timmie Magee, and prior to service on her she married D.R. Patton, and that said Patton died and by Supplemental Petition, she was made party as Timmie Patton, and was duly cited as such prior to said February Term 1919 and failed to file answer herein. It further appearing that the Plaintiff, Annie L. Oates, married Archie Norsworthy, who made himself a party plaintiff herein, and now appears as Annie L. Norsworthy, and since the filing of this suit, the plaintiff, Bertha E. Oates, married Z. W. Dunn, in the year 1919, and that said Z. W. Dunn abandoned his said wife and fled from the United States and his residence is unknown; and that said Bertha E. Dunn died intestate and that said Annie E. Oates, Charles H. Oates, R. W. Oates and Annie L. Norsworthy are her only heirs, and that Sid Westheimer was duly appointed Administrator of her Estate, and as such Administrator became a party plaintiff herein. And came a Jury of good and lawful men, to-wit: M. C. Otto and eleven others, who having been duly empanelled and sworn, and having heard the pleadings, evidence, arguments of counsel and received the Charge of the Court, retired to consider their verdict upon the following Special Issues submitted to them by the Court:

55/022

SPECIAL ISSUE NO. 1 :

How far East of the line running North from the marked Cypress tree on the bank of the Bayou, is the East line of the John Brown Survey, as originally surveyed and located by John Cook in 1824?

Answer stating how far.

SPECIAL ISSUE NO. 2:

Where do you find the West Line of the Concepcion Martinez Survey to have been originally located in 1852 by Bringhamst, with reference to the East Line of the John Brown Survey?

Answer stating where."

and returned into open Court, the following verdict:

" We, the Jury in the above numbered and entitled cause, as our verdict, answer Special Issues submitted by the Court as follows:

To Special Issue No. 1, we answer: 3693 varas

To Special Issue No.2, we answer: 895 varas East of the John Brown Line.

It is therefore, considered by the Court, ordered, adjudged and decree that the plaintiffs herein, namely: John Farmer, Harriet M. Farmer, Bessie M. Farmer, Katie E. Farmer, Lucie E. McDaniels, R. B. McDaniels, David Oates, Annie E. Oates, in her own right and independent Executrix of the Last Will of Charles E. Oates, deceased, Robert W. Oates, Charles H. Oates, Annie L. Norsworthy, Archie Norsworthy, Sid Westheimer as administrator of the Estate of Bertha E. Dunn (formerly Bertha E. Oates) Edward M. Clopper, Mary C. Merriman, Bessie Bethel and Thomas Bethel, Plaintiffs each of them and/ , take Nothing by this suit against the defendant, O. H. Barnes. That the Interlocutory Judgment heretofore taken on the 8th day of February, 1919 against Mrs. Ellen Magee, Lizzie Magee Taylor, William K. Taylor, Harry Magee, Roy Magee, Martha Magee and Timmie Patton is here now made final as part of the Judgment of this Court. And that the said Plaintiffs here now take judgment against the defendant John W. Maxcy, on his disclaimer, for the lands described in plaintiffs' first amended original Petition.

The lands described in plaintiffs' first amended original petition are described as follows:

" 217.39 acres of land lying partly in the John Brown League, Abstract No. 8 and partly in the C. Martinez survey Abstract No. 345 in Harris County, Texas; Beginning at a stake set on the north side of a County Road on the South line of said Martinez survey 100.5 varas east of the east line of said John Brown League which east line of John Brown League is 4500 varas east of the West line of said John Brown League;

...the line running north from the ...
...the bank of the ...
...the ...
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THENCE west 100.5 varas to said east line of said John Brown League, to the southeast corner of a 161.15 acre tract recovered by Berry W. Camp by decree in the District Court, Harris County, Texas, in cause No. 33163, entitled Camp Vs. Magee et al, in Vol. 2 page 357 of the Minutes of said District Court;

THENCE North with said Camp's east line, same being the east line of the John Brown League, at 1009.8 varas pass Camp's northeast corner, in all 1314 varas to the Northeast corner of a 30 acre tract recovered by Paul C. Nugent in cause No. 43509, cause entitled Paul C. Nugent Vs. John W. Maxcy et al, decree in Volume 5 page 514 Minutes of said District Court Harris County;

THENCE West with said Nugent's line 794 varas to his Northwest corner;

THENCE North parallel with said East line of said John Brown League to the south line of the Reels and Trebough League;

THENCE East with said south line of Reels & Trebough League 698 varas;

THENCE South 2530 varas to the place of beginning.

It is further ordered, adjudged, and decreed THAT the Plaintiff have their writ of possession against all defendants, except Anna B. Maxcy, who has been dismissed from this suit, and O. H. Barnes. All costs herein are adjudged against the Plaintiffs, for which execution may issue.

It is further ordered adjudged and decreed that plaintiff Annie E. Oates take nothing herein on her claim for damages against any of the defendants herein.

The State of Texas

County of Harris

I, O. M. Duclos, Clerk District Court of Harris County, Texas do hereby certify that the above and foregoing is a true and correct copy of Decree in Cause No. 51577, entitled John Farmer, et al vs John W. Maxcy, et al, as the same appears of record in my office in Vol. 27, Page 192, Minutes of the District Court of Harris County, for the 11th Judicial District of Texas.

Given under my hand and seal of office, at office in Houston, Texas, this the 3rd day of February, A.D. 1925.

O. M. Duclos
Clk. Dist. Ct. Harris Co., Texas

By Joseph Lohan Dpty.

51577

Copy of Decree
moved to be entered
by Plaintiff.

29-192

11th

5. F. 1022

11.

Copy of Court Decree
Harris Co. District Court.

J. T. Robinson
Clerk.

Filed Feb. 28, 1925.

Carl F. Blucher

Text: This is the day of February, A.D. 1925.

Clerk of District Court of Harris County, Texas

BA [Signature] Dava.

DUPLICATE RECEIPT

(To be kept by Land Office)

LEDGER

PAGE

1923

Post Office

To THE COMMISSIONER General Land Office, Austin, Texas.

for \$ 100.00 payable

(Say whether Money Order or Draft on a Bank in Austin, or Cash.)

payment on the following land and

are for principal

are for interest

for:

Section	Block	Township	County	GRANTEE	Acres	County
21 1/2				John W. Wainwright	21 1/2	Glenn

Land

(Say whether School, Asylum, or University.)

Commissioner General Land Office.

(Name of Sender.)

571022

112

GENERAL LAND OFFICE

STATE OF TEXAS.

CHARLES ROGAN, Commissioner.
J. J. TERRELL, Chief Clerk.

AUSTIN

10/16/07.

County Clerk, Harris County,

Houston, Texas.

Dear Sir:--Enclosed herewith I am handing you classification and appraisement of Survey No. --, Blk. --, 401.10 acres, surveyed for Jno. W. Maxcy under act of 1900, for entry on your records subject to sale under sectionized school land law, Act of April 19, 1901, for the reason that Mr. Maxcy was notified of the approval of his application and field notes under said act of 1900, School File No. 1922, Harris County, and was at the same time instructed to send in his application to purchase before the expiration of the sixty days from the date of said notice allowed by law in which to do so. No application to purchase having been made by said Maxcy within said sixty days the land must be placed on market under act of April 19, 1901, and I am enclosing list to that effect.

Very respectfully,

Hut chins.

Commissioner.

C.C. for J.W.R. & J.W.M.

Hon. J. W. Robbins, State Treasurer. Carbon Copy of this is for your information and authority to you to refund any money you may have on hand in the matter of this claim under the act of 1900.

Jno W. Maxcy, Houston, Texas: Carbon Copy for your information and you

Note--All payments for School and Asylum Lands must be made to the State Treasurer, and not be sent to this office.

5 F 1022

General Land Office,

State of Texas, Austin,

7/30/01

Mr Jno. W. Maxcy,

Houston, Texas.

Your application for a survey of a tract of land in HARRIS
(Sur. No. ---401.10 acres)
county, filed with the surveyor of said county on the 21st day of
July 1900, together with the field notes as made by him
have been examined and approved.

The land has been classified as Agricultural and valued at \$ 20.00
per acre, and being isolated and detached, must be sold as such. (See Sec-
tion 5 of the Act approved February 23, 1900).

Enclosed herewith is a blank on which you will make your application
to purchase the same. To avoid delays, mistakes and correspondence you are
urged to fill every blank space. Under the law, you will have sixty days
from this date within which you are required to file your application in
this office. At the time you forward your application here you must at the
same time remit to the State Treasurer, Hon. John W. Robbins, Austin, Texas,
the sum of \$ 8022.00 and also a patent fee of \$ 6.00 to this office.
Both of these remittances should be made by draft or post office money order.

In writing about this matter, please refer to File No. 1022 Harris Co

Yours respectfully,

Charles Rogan

File 1022 Harris Co

Commissioner.

Mac Inerney

C.C. To Hon. Jno. W. Robbins,

This for your information.

13 51-1022

Houston, Texas, Jan'y 18, 1901.

Hon Chas Regan,

Commissioner Genl Land Office,

Austin, Texas.

In answer to the protest filed by one E. A. Stinson,

THE STATE OF TEXAS, }

102nd Harris County }

beg leave to answer as follows.

COUNTY OF HARRIS. }

1st:- The accompanying sketch duly authenticated by the County
surveyor and the County clerk is a correct compilation from of-

ficial records and surveys in the field and in all explanations

I, J. B. WILLIAMS, CLERK OF THE DISTRICT COURT OF HARRIS COUNTY, TEXAS;
do hereby certify that after making a thorough search of the Records in
my office from April 5th, A. D. 1897, up to the present time, I find no
suit filed in which John W. Maxcy, appears to be defendant.

IN WITNESS WHEREOF, I hereunto set my hand and the seal of this of-
fice this the 22nd day of January, A. D. 1901.

J. B. Williams
CLERK DISTRICT COURT HARRIS COUNTY, TEXAS.

BY

E. A. Stinson

DEPUTY.

Houston, Texas, Jan'y 18.1901.

Hon Chas Regan,

Commissioner Genl Land Office,

Austin, Texas.

Dear Sir:-

In answer to the protest filed by one E. A. Stinson, protesting against the award of a school section to me File # 102² Harris County beg leave to answer as follows.

1st:- The accompanying sketch duly authenticated by the County surveyor and the County clerk is a correct compilation from official records and surveys in the field and in all explanations following references are made thereto.

2nd:- The John Brown league was made in 1834 and was subdivided into two parts by D. Gregg a qualified deputy surveyor of Harris county, appointed by Geo. M. Patrick a duly qualified County Surveyor. This subdivision was made in 1838 and was recorded in book E page 348 as shown by the county Clerk's certificate on the sketch.

This work was done officially by a duly qualified officer about twelve years after the original survey was made and land marks were plentiful and more easily identified than at this time.

3rd:- As shown Mr Gregg divided the league into two parts but our discussion deals directly with the eastern portion.

4th:- The point in controversy is the length of the north line of the John Brown which determines the position of the West line of the Thomas league.

5th:- According to the official survey made by Gregg the north line of the Brown was found to be only 3820 varas in stead of 4500 as called for in the patent, Gregg evidently knew what he was doing and was governed entirely by land marks as they then existed. This is borne out by all recent surveys as shown on the sketch. Our courts have held in several instances that lines go beyond their calls in length and it certainly must be a sound proposition that they can be shortened to fit the call for natural objects.

6th:- That the N E corner of the Brown thus officially established by Gregg and the east line of the Brown as he found or established it is as shown on the sketch and has been recognized in that position since 1838.

7th:- That this line as established by Gregg has since 1838 been recognized as the true dividing line between the Brown and Thomas leagues and all sales and subdivisions out of either league has been based on this fact as shown by the accompanying sketch.

8th:- The ⁸⁰⁰ 800 acre tract out of the N E portion of the Brown calls for the the N E corner of the Brown and is subdivided and laid off exactly in the position shown on sketch.

9th :- The only evidence of a marked line on the east line of the Brown league is the one shown on the sketch and this in the position as found by Major William Bradburn county surveyor myself and even Mr Stinson whom I employed to do this work for me at one time. All of us have made a diligent search for a line at 4500 varas and all agree that no trace of one exists.

10th:- According to Gregg's survey locating the east line as shown on the sketch the east half of the Brown league contains by actual survey an area of 2328 acres an excess of of a half league, that it should contain, and that each property owner has sufficient land to satisfy his warranty with out extending his line to the east.

11th:- The alleged incorrectness of Gregg's work has nothing to do with the delay of my award as Mr Stinson nor any one else is prepared to swear that the Bayou has not moved further south since 1838.

12th:- The condition of boundaries as shown on sketch have existed and were recognized by every interested party in this county since 1838 until Mr Stinson managed to interest himself a short time ago and stirred up this trouble.

13th :- The land filed on by myself has not been fenced or assessed for taxes prior to my file and Mr Stinson has no more legal right to protest in this matter than any other outsider.

14th:- Mr Stinson's sole claim to any interest to any property of the Brown league is based on the contingency of his recovering this location of mine as a part of the Brown league and prior to

stirring up this trouble all owners were satisfied with the work as done by Gregg.

15th Mr Stimson's knowledge of this whole matter was ascertained through his being employed by me to do this surveying as shown by the connecting line hereto appended. This violation of a business trust is characteristic of the man and should weigh in giving credence to his statements filed in the Land Office.

16th:- There is no litigation now pending in Harris County between the holders out of the John Brown league and John W. Maxcy or his assigns as attested by the certificate of the District Clerk hereto appended.

17th:- Mr Stimson's methods to say the least are unsavory and in many instances he has stirred up trouble in this county for property holders and bases the measure of his services on a contingent fee and as a consequence he has caused expensive litigation, disturbed old land marks and created new conditions much to the annoyance and distress of property holders.

18th:- Mr Stimson's valuation of the land is a "dog in the manger" statement that I believe would not weigh much with any fair minded man. It is not offered in any spirit of protecting the State of Texas. but with the view of defeating a man who is asking for a just reward for his thrift and energy. I hereto append a statement of the County Tax Assessor setting forth that the land on the Martinez on the east of my location with the improvements is assessed for \$3.00 per acre. and that the land on the John Brown together with its improvements is assessed for \$10.00 per acre.

Major Bradburn is a man of high standing in this community and any one will agree that his valuation of \$200 per acre is not lower than the assessed value of other property with improvements. In all fairness that is all this class of prairie land is worth.

19th- In conclusion I will state that all I ask is an award card for the land so that I may have an even break to enter the courts. If the land is to be litigated a judicial ascertainment is necessary and at no cost to the State. If I lose the state loses nothing and if I win the state wins the value of the land which

Mr Stimson by questionable statements is trying to stop. I refer you to any of the prominent people of Houston as to my character and standing. I sincerely trust that you will not delay this matter but give me the necessary privilege to enter the courts and assert my rights.

Respectfully,

John W. Maxcy

380
11/2

Line # 1

98.8
19.2
18.6
23.4

240
162
78

State of Texas }
Harris County } Field notes of a connecting
line run for Jas. H.

May 29.

Began at a point in the centre of
Huntreys Bayou where said Bayou
crosses the line between Reels & Gro-
bough on the East and St. M. Black
on the West.

Thence South following a well
marked and clearly defined line
at ^{1293.1} 359.3 ft. intersect the N. line of the
Jas. Brown lease.

Thence West ^{90.6} 224 ft. to the N. H. cor.
of lot # 1 (New subdivision.)

Line # 2.

Began at an old stake and mound
in the prairie, shown me by John-
athan McGee, a resident land-
owner in the Reels and Grobough
as the N. H. corner of the Concep-
tion Martinez on the S. line of
the Reels and Grobough.

Thence West ^{90.4} 251.1 ft. intersect the
E. line of Lot # 1.

Thence North ^{125.1} 348 1/2 ft. to the N. E.
corner of said lot # 1.

Line # 3

Began at the S. E. corner of Lot # 18

4/

2530

2551 3742

90.4
89.5

904

285
3217
2529.3
134.5
1822
3217

Thence East ⁹⁰⁴ 2511 ft. to a point
Thence North ^{176.2} 495 ft. a stake at the
S. E. corner of an enclosure, claimed
as the S. H. corner of the Conception
Martinez.

Line # 4

Began at the S. E. corner of Lot # 18
Thence South ⁹⁰⁰ 2500 ft. a point.
Thence East ^{488.2} 1356 ft. a plow point
br. North ^{75.0} 210 ft. claimed as the
E. Thomas N. H. corner. At ^{574.8} 1430 ft.
a small Pin Oak mkd "O" on its
E. side, br. South ²⁷ 75 ft. dist.

(This mark, I know to be J. J. Gillespie's)
At 1550 ft. a water oak 18" dia. mkd.
X on its S. H. side, br. South 28 ft.
dist. (This is a new mark.)

Began again at the point noted
as being 2500 ft. South of the S. E.
corner of Lot # 18 and continue
chaining, taking up the old
measurement. At ^{1346.4} 3740 ft. a gas
pipe stands on line. At ³⁷⁸⁰ 10500 ft.
pass a gum tree, side lined on
its H. side. At ⁴¹⁰⁴ 11400 ft. pass a
Post Oak 24" dia. stands 2 ft. West
of my line (This tree br. 5 distinct
different sets of line blazes, the

4104
4095

oldest of which I judge to be 30 yrs.
This tree has been entered and side
lined on East and West.) At ⁴¹⁰⁹11915-
ft. cross Tex. Transportation R. R. ⁴¹⁸⁹4
at ⁴³²⁹12025 ft. a Gum tree ^{marked from 9 ft} stands on line.
Continued on through timber, follow-
ing a well defined line of blazes,
at ⁴⁹³²13700 ft. the Bayou's edge, where
stands a China tree facing, mhd.
x (several years old)

I can at this point find a remnant
of several pine stumps, any of which
could have answered as witness trees.

Surveyed July 4, 5 & 6, 1894

Mag. Var. 8° 30' E.

Jno. Ewing }

R. Poole }

C. C.

A. E. Stinson
by. R. P.

I A. E. Stinson, Dept. Surveyor, Harris
County, do hereby certify, that the
foregoing lines were run actually
on the ground according to law, and
that the limits, boundaries and
corners, with the marks, natural
and artificial, are truly described
in the foregoing field notes.

Signed } A. E. Stinson
By R. P. H. C. F.

W. A. Pack

W. A. Pack

the time the necessary details to enter the same and insert
according to the necessary details to enter the same and insert

I H. A. Polk County Surveyor Harris
County, do hereby Certify, that I have
examined the foregoing field notes
and find them correct and that
they are recorded in my office in
Private Survey Book # 2 Pages 39 and 40.

W. A. Pack.

C. Sen. H. C. Fox

3764
664
3080
2852

244
631
1123
895
228

581/1/2
667
117
667

Houston, Texas, Jan'y 18 1900

Mr Jno W Maxey
Houston, Texas.

Dear Sir:- In answer to your inquiry
will say that the County Assessors
records of Harris County, show that
for the year 1900, that land and
improvements on the Concepcion Mar-
tinez survey was assessed at \$3⁰⁰
per acre, and the land and im-
provements on the John Brown league
at \$10⁰⁰ per acre.

Respectfully

L. B. N. Schneider
Co Assessor Harris Co, Texas.

14 SF-1022
HARRIS COUNTY SCHOOL FILE

102²

++++++
Statement of facts and answer
to protest filed by one E. A.
Stimson,

++++++
By John W. Maxcy, Houston, Tex
++++++

Filed Jan 24/1901
Charles Rogan
Counsel

See SF. 1021 for other
connecting line filed
Oct 12/1900.

See large sketch in
Harris Co. Sketch file
mk'd. "Sketch file 33 A."